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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Fred S. Cook

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EXAMINER

IQBAL, KHAWAR

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/716,342

Applicant(s)

COOK, FRED S.

Examiner

Khawar Iqbal

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11,16,17,33 and 40-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11,16-17,33,40-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6-23-06 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 11,16,17,40-52 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 recites "wherein the first entity comprising at least one transmitter radiating the control signal in a radiation pattern defining a boundary of the given location" claim 1 page 2, lines 7-8. Applicant defines the boundary as a map stored in the mobile device (page 21, lines 29-30) and the control signal as possibly being a GPS signal (page 21, lines 25-27), however, the

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examiner failed to determine where is the disclosure the boundary being defined by a radiation pattern of the control signal.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 11,16,17,33,42,44-56,59-61 are rejected under 35 U.S.C. 102(e) as being anticipated by Leason (7043286).

6. Regarding claims 11,53 Leason teaches a method of altering operation of a device based on location, the device having default control logic that causes the device present an audible alert signal when the device receives a ring signal, the method comprising in combination (figs. 1-3):

when the device is in a given location, the device receiving from a first entity (110, fig. 1) a control signal associated with the given location (col. 2, lines 60-67), and the device responsively asking a second entity (fig. 3, 160) for a set of alternative control logic to be executed by the device when the device receives the ring signal, wherein the first entity comprising at least one transmitter radiating the control signal in a radiation pattern defining a boundary of the given location, wherein the alternative

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control logic cause the device to present a vibration alert signal when the device receives the ring signal (col. 2, lines 60-67, col. 3, line 55-col. 4, line 20);

the device receiving the set of alternative control logic from the second entity, the device storing the set of alternative control logic in data storage (col. 4, lines 10-20); and

the device thereafter receiving the ring signal and responsively applying the alternative control logic to present the vibration alert signal rather than applying the default control logic to present the audible alert signal (col. 3, line 55-col. 4, line 20); and

upon a predetermine duration after the device has exited the given location, the device reverting to a mode in which the device applies the default control logic rather than the alternative control logic (col. 5, lines 20-46).

Regarding claims 16,54 Leason teaches applying the default control logic to present the audible alert signal comprises emitting a first predetermined signal structure, and wherein applying the alternative control logic to present the vibration alert signal comprises emitting a second predetermined signal structure (col. 2, lines 60-67, col. 3, line 55-col. 4, line 20).

Regarding claims 17,55 Leason teaches wherein applying the default control logic to present the audible alert signal comprises presenting a first predetermined signal perceptible to a user, and wherein applying the alternative control signal to present the vibration alert signal comprises presenting a second predetermined signal perceptible to user (col. 2, lines 60-67, col. 3, line 55-col. 4, line 20).

Regarding claims 33,56 Leason teaches flagging the alternative set of control logic as an active set of control logic and after receiving the control signal but before flagging the alternative set of control logic as the active set of control logic, prompting a user of the device to approve change in function of the device, and receiving a user response indicating whether or not the user approves (col. 3, lines 50-55, col. 4, lines 43-50).

Regarding claims 44-48,59-61 Leason teaches wherein the boundary of the given location substantially coincides with a room of a building (fig. 1, col. col. 2, lines 60-67).

Regarding claims 49-51 Leason wherein the one transmitter comprising an infrared transmitter (fig. 1, col. 2, lines 60-67).

Regarding claim 52 Leason detecting presence of the device in the given location and responsively sending the control signal to the device in the given location (col. 2, lines 60-67, col. 3, line 55-col. 4, line 20).

7. Claims 11,16,17,33,42,44-56,59-61 are rejected under 35 U.S.C. 102(e) as being anticipated by Maeda (6597895).

8. Regarding claims 11,53 Maeda teaches a method of altering operation of a device based on location, the device having default control logic that causes the device present an audible alert signal when the device receives a ring signal, the method comprising in combination (figs. 1-3):

when the device is in a given location, the device receiving from a first entity (command transmitter 7, fig. 3) a control signal associated with the given location (col.

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3, lines 48-55), and the device responsively asking a second entity (processing circuit 21, fig. 1) for a set of alternative control logic to be executed by the device when the device receives the ring signal, wherein the alternative control logic cause the device to present a vibration alert signal when the device receives the ring signal (col. 3, line 55-col. 4, line 10);

the device receiving the set of alternative control logic from the second entity, the device storing the set of alternative control logic in data storage (memory 22) (col. 3, lines 50-67); and

the device thereafter receiving the ring signal and responsively applying the alternative control logic to present the vibration alert signal rather than applying the default control logic to present the audible alert signal (col. 2, line 57-col. 3, line 10); and

upon a predetermine duration after the device has exited the given location, the device reverting to a mode in which the device applies the default control logic rather than the alternative control logic (col. 4, lines 46-51).

Regarding claims 16,54 Maeda teaches applying the default control logic to present the audible alert signal comprises emitting a first predetermined signal structure, and wherein applying the alternative control logic to present the vibration alert signal comprises emitting a second predetermined signal structure (col. 2, line 50-col. 3, line 10).

Regarding claims 17,55 Maeda teaches wherein applying the default control logic to present the audible alert signal comprises presenting a first predetermined signal perceptible to a user, and wherein applying the alternative control

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signal to present the vibration alert signal comprises presenting a second predetermined signal perceptible to user (col. 4, lines 1-51).

Regarding claims 33,56 Maeda teaches flagging the alternative set of control logic as an active set of control logic and after receiving the control signal but before flagging the alternative set of control logic as the active set of control logic, prompting a user of the device to approve change in function of the device, and receiving a user response indicating whether or not the user approves (col. 2, line 50-col. 3, line 10).

Regarding claims 42,44-48,59-61 Maeda teaches wherein the boundary of the given location substantially coincides with a room of a building (col. 2, line 50-col. 3, line 10).

Regarding claims 49-51 Maeda wherein the one transmitter comprising an infrared transmitter (col. 2, line 50-col. 3, line 10).

Regarding claim 52 Maeda detecting presence of the device in the given location and responsively sending the control signal to the device in the given location (col. 2, line 50-col. 3, line 10).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10. Claims 40-41 and 57-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leason (7043286) and further in view of Grube et al (5778304).

Regarding claim 40-41 and 57-58 Leason does not specifically teach device use GPS to determine the position within the given location and device sending position determination message to the first entity so as to communicate the position of the device to the first entity.

In an analogous art, Grube et al teaches device determine the position within the given location and device sending position determination message to the first entity so as to communicate the position of the device to the first entity (col. 3, lines 10-52). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Leason by specifically adding features in order to enhance automatically controls services based on geographical location of mobile telephones as taught by Grube et al.

11. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leason (7043286) and further in view of and Ung et al (20010031641).

12. Regarding claim 43 Leason does not specifically teach network address comprises an Internet Protocol address.

In an analogous art, Ung et al teaches network address comprises an Internet Protocol address (para. # 0059). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Leason by specifically adding features IP address to for use with wireless carriers, Internet service providers as taught by Ung et al.

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13. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leason (7043286) and further in view of and Gabai et al (6773344).

14. Regarding claim 43 Leason does not specifically teach network address comprises an Internet Protocol address.

In an analogous art, Gabai et al teaches network address comprises an Internet Protocol address (col. 25, lines 58-67 and col. 44, line60-col. 45, line 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Leason by specifically adding features IP address to for use with wireless communication system, Internet service providers as taught by Gabai et al.

Response to Arguments

15. Applicant's arguments with respect to claims 11,16-17,33,40-61 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khawar Iqbal whose telephone number is 571-272-7909.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Khawar Iqbal


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER